

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Anthony R. Broughton

Docket No. 5:13-MJ-1111-1WW

Petition for Action on Conditions of Pretrial Release

COMES NOW Scott Plaster, probation officer of the court, presenting an official report upon the conduct of defendant, Anthony R. Broughton, who was placed under pretrial release supervision by the Honorable William A. Webb, U.S. Magistrate Judge, sitting in the Court at Fayetteville, NC, on the 14th day of May, 2013, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Report as soon as possible to the supervising officer any contact with law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Following the defendant's release on May 14, 2013, the probation officer met with the defendant at his residence the following day. At that time, the defendant refused to submit to urinalysis testing and said he would test positive for marijuana that he had used prior to being placed on pretrial release supervision. He was instructed to consult with his attorney, and after doing so, the defendant, on May 23, 2013, agreed to submit to urinalysis testing and also requested substance abuse

treatment. On May 29, 2013, the defendant submitted a drug test that was positive for the presence of marijuana, cocaine, and opiates. The defendant reports he is prescribed Percocet which would explain the positive result for opiates. When questioned regarding the positive results for marijuana and cocaine, the defendant denied knowingly using cocaine, but he admitted smoking marijuana within a couple of days of submitting the drug test. The defendant appeared for a substance abuse assessment on June 5, 2013, at which time he was placed in a treatment program.

The defendant is scheduled to appear in court on June 11, 2013, for plea and sentencing.

PRAYING THAT THE COURT WILL ORDER that the defendant answer to the violation of his pretrial release conditions when he appears in court on June 11, 2013. In the event that the defendant's plea and sentencing hearing is continued, or the court is unable to address this matter on June 11, 2013, it is requested a hearing be scheduled to determine whether or not the defendant has violated the terms and conditions of his pretrial release.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller

Jeffrey L. Keller

Supervising U.S. Probation Officer

/s/Scott Plaster

Scott Plaster

U.S. Probation Officer

310 New Bern Avenue, Room 610

Raleigh, NC 27601-1441

Phone: (919) 861-8660

Executed On: June 6, 2013

ORDER OF COURT

Considered and ordered this 7th day of June, 2013, and ordered filed and made a part of the records in the above case.


William A. Webb

U.S. Magistrate Judge